

DISTRICT COURT OF GUAM  
TERRITORY OF GUAM  
CRIMINAL MINUTES  
SENTENCING

**FILED**  
DISTRICT COURT OF GUAM

OCT 28 2005

MARY L.M. MORAN  
CLERK OF COURT

CASE NO. CR-05-00007

DATE: October 26, 2005

HON. WILLIAM ALSUP, Designated Judge  
Court Reporter: Wanda Miles  
Hearing Electronically Recorded: 4:04:42 - 4:26:20

Law Clerk: NONE PRESENT  
Courtroom Deputy: Leilani Toves Hernandez  
CSO: N. Edrosa

\*\*\*\*\* APPEARANCES \*\*\*\*\*

DEFT: **MICHAEL ATOIGUE BURGOS**

(X) PRESENT (X) CUSTODY ( ) BOND ( ) P.R.

ATTY: **JOHN GORMAN**

(X) PRESENT ( ) RETAINED (X) FPD ( ) CJA APPOINTED

U.S. ATTORNEY: MARIVIC DAVID

AGENT: ERWIN FEJERAN, B.I.C.E.

U.S. PROBATION: STEVE GUILLIOT

U.S. MARSHAL: W. GRAY

INTERPRETER: \_\_\_\_\_

LANGUAGE: \_\_\_\_\_

\*\*\*\*\*  
(X) COURT STATES THE APPROPRIATE BASE OFFENSE LEVELS

Base offense level:

Total offense level: 27

Criminal History Category: II

NO OBJECTIONS BY THE GOVERNMENT AND DEFENSE

(X) ATTORNEY FOR DEFENDANT ADDRESSES THE COURT:

Requested for a sentence of 78 months.

(X) DEFENDANT ADDRESSES THE COURT AND APOLOGIZES

(X) GOVERNMENT ADDRESSES THE COURT AND MAKES ITS RECOMMENDATION:

( ) LETTER(S) OF RECOMMENDATION RECEIVED BY THE COURT

NOTES/OTHER MATTERS:

Defense requested for a further downward departure, for the defendant to self-surrender to the U.S. Marshals Service on Guam pending designation of Bureau of Prisons, and a judicial recommendation for the defendant to participate in the 500 hour drug treatment program while incarcerated. The Court Denied the further downward departure motion, however, granted the request for self-surrender and the drug treatment program. Defendant was ordered to self-surrender to the U.S. Marshals Service on Guam by January 6, 2006 at 12:00 noon, or as notified by the U.S. Marshal if designation occurs before that date.

Government's Motion for Downward Departure was Granted.

In accordance with the request by the probation officer, the defendant was instructed to abide by his current release conditions and failure to comply will result in immediate incarceration.

2:30 P

SENTENCE: CR-05-00007

DEFENDANT: MICHAEL ATOIGUE BURGOS

( X ) DEFENDANT COMMITTED TO THE BUREAU OF PRISONS FOR A TERM OF 120 MONTHS. WHILE IN PRISON, THE DEFENDANT SHALL PARTICIPATE IN A DRUG EDUCATION PROGRAM, AS WELL AS EDUCATIONAL AND VOCATIONAL PROGRAMS APPROVED BY THE BUREAU OF PRISONS. DEFENDANT SHALL ALSO PARTICIPATE IN THE 500 HOUR COMPREHENSIVE DRUG TREATMENT PROGRAM.

( ) COURT RECOMMENDATION TO THE BUREAU OF PRISONS AT \_\_\_\_\_.

( X ) UPON RELEASE FROM IMPRISONMENT, DEFENDANT IS PLACED ON SUPERVISED RELEASE FOR A TERM OF 10 YEARS.

THE TERM OF SUPERVISED RELEASE WILL INCLUDE THE FOLLOWING CONDITIONS:

1. DEFENDANT SHALL NOT COMMIT ANOTHER FEDERAL, STATE AND LOCAL CRIME.
2. DEFENDANT SHALL NOT USE OR POSSESS ILLEGAL CONTROLLED SUBSTANCES.
3. DEFENDANT SHALL SUBMIT TO ONE DRUG TEST WITHIN 15 DAYS OF RELEASE FROM CUSTODY, AND UP TO EIGHT DRUG TESTS PER MONTH.
4. DEFENDANT SHALL SUBMIT TO THE COLLECTION OF A DNA SAMPLE AT THE DIRECTION OF THE U.S. PROBATION OFFICE.
5. DEFENDANT SHALL COMPLY WITH THE STANDARD CONDITIONS OF SUPERVISED RELEASE AS SET FORTH BY THE STATUTE.
6. DEFENDANT SHALL NOT POSSESS A FIREARM OR OTHER DANGEROUS WEAPON OR AMMUNITION.
7. DEFENDANT SHALL REFRAIN OR BE IN AN AUTOMOBILE WHERE AMMUNITION IS PRESENT.
8. DEFENDANT SHALL REFRAIN FROM THE USE OF ANY AND ALL ALCOHOLIC BEVERAGES.
9. DEFENDANT SHALL BE REQUIRED TO PARTICIPATE IN A PROGRAM APPROVED BY THE U.S. PROBATION OFFICE FOR SUBSTANCE ABUSE WHICH MAY INCLUDE TESTING TO DETERMINE WHETHER HE HAS REVERTED BACK TO THE USE OF DRUGS OR ALCOHOL.
10. DEFENDANT SHALL PERFORM 300 HOURS OF COMMUNITY SERVICE AS APPROVED BY THE U.S. PROBATION OFFICE.
11. DEFENDANT SHALL SUBMIT HIS PERSON, RESIDENCE OR AUTOMOBILE TO A SEARCH OF CONTRABAND OR OTHER VIOLATION OF THE CONDITIONS OF SUPERVISED RELEASE BASED UPON REASONABLE SUSPICION.

ALL FINES WERE WAIVED BY THE COURT SINCE IT HAD BEEN DETERMINED THAT THE DEFENDANT DOES NOT HAVE THE ABILITY TO PAY.

DEFENDANT WAS ORDERED TO IMMEDIATELY PAY A SPECIAL ASSESSMENT FEE OF \$100.00.

COURT STATED THE JUSTIFICATION OF SENTENCE IMPOSED. DEFENDANT WAS ADVISED OF HIS APPEAL RIGHTS.

Courtroom Deputy: \_\_\_\_\_